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November 4, 2024

Via ECF

Hon. Valerie Caproni
U.S. District Court for the Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

USDC SDNY
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Re: 352 Capital GP LLC, on behalf of 352 Capital ABS Master Fund LP, et al. v. Wear, et al., Case No. 1:24-cv-05102-VEC (S.D.N.Y.)

Dear Judge Caproni:

Our firm represents defendant Jordan Chirico in the above-captioned matter. We write jointly with the Plaintiffs 31512 Capital GP LLC, on behalf of 31512 Capital ABS Master Fund LP (the “352 Fund”), and Leucadia Asset Management, LLC (“Leucadia,” and together with the 352 Fund, “Plaintiffs”), and all of the defendants represented by counsel in this matter, *i.e.*, REVL Securities LLC and REVL Capital Management LLC (together, “REVL”), Tyler Sadek, WST AZ Properties LLC, Ideal Industrial Park LLC, Ideal AZ Property Investments, LLC, 3209 Van Buren LLC, Ice & Water Vendors LLC, K-2 Acquisition, LLC, Arizona Water Vendors Incorporated, TCR Plumbing LLC, 1206 Hewitt Ave LLC (the “Defendants” and, together with Plaintiffs, the “Parties”).¹

On October 28, 2024, Plaintiffs filed an amended complaint. (ECF No. 88, refiled as ECF No. 91, “First Amended Complaint.”) On October 29, the Court entered an order setting November 18, 2024 as the deadline for Defendants to answer or otherwise respond to the First Amended Complaint. (ECF No. 90.)

Defendants intend to move to dismiss the First Amended Complaint, and have conferred with Plaintiffs regarding a proposed briefing schedule that would provide the parties with sufficient time to complete dispositive motion briefing while accommodating counsel’s professional and personal obligations. Subject to the Court’s approval, the Parties have agreed to the following schedule:

¹ We have not communicated with defendants Ryan Wear and Jeremy Briggs (neither of which has filed a notice of appearance in this action) regarding this proposal, and for purposes of this letter, they are not “Defendants” requesting the adjournment of their time to answer or respond to the First Amended Complaint.

Hon. Valerie Caproni
November 4, 2024
Page 2

- Defendants' motions to dismiss the First Amended Complaint shall be due on or before **December 11, 2024**;
- Plaintiffs' opposition shall be due on or before **January 23, 2024**;
- Defendants' reply shall be due on or before **February 12, 2024**.

Certain of the Defendants previously requested an adjournment of the deadline to answer or respond to the original Complaint. (ECF Nos. 19, 28, 71.)

The Parties thank the Court for its consideration, and are available to discuss further should the Court have any questions.

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Application GRANTED. Any motions to dismiss the First Amended Complaint must be filed not later than **Wednesday, December 11, 2024**. Oppositions must be filed not later than **Thursday, January 23, 2025**. Replies must be filed not later than **Wednesday, February 12, 2025**.

SO ORDERED.

 11/6/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE